

# **EXHIBIT “E”**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

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DEVANDER SINGH,

Plaintiff,

-against-

RONALD POLES,  
PENSKE TRUCK LEASING CO., L.P.,  
PENSKE TRUCK LEASING CORPORATION,  
COSTCO WHOLESALE CORPORATION,  
COSTCO WHOLESALE MEMBERSHIP, INC.  
and SAHIB S. WALIA,

**AFFIRMATION  
IN PARTIAL OPPOSITION**

Index No.: 715677/18

Defendants.

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STEPHEN A. SKOR, ESQ., an attorney duly admitted to practice before the courts of this State, affirms the following to be true under penalty of perjury:

1. I am the attorney for the plaintiff in this action and I am fully familiar with all of the pleadings and proceedings had in this matter previously, and make this affirmation in partial opposition to the instant motion wherein Defendant SAHIB S. WALIA seeks summary judgment in the happening of this accident.

2. The plaintiff, an innocent passenger in the moving defendant's vehicle, partially opposes this motion for the reasons set out more fully in his cross-motion for summary judgment.

3. In short, he avers that if summary judgment is granted for moving defendant SAHIB S. WALIA, the plaintiff then must be granted summary judgment as against defendants COSTCO WHOLESALE CORPORATION and RONALD POLES under the same grounds.

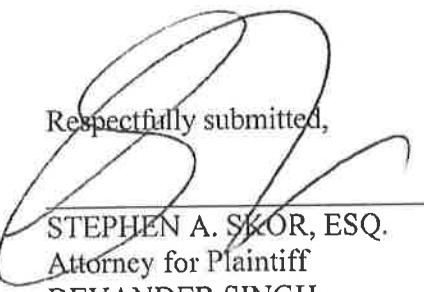
4. If the instant motion is denied, then the plaintiff, as an innocent passenger that could not be culpable herein, should still be awarded summary judgment with the percentage of fault between the defendants left to the trial of this action.

**CONCLUSION**

5. As Defendants RONALD POLES AND COSTCO WHOLESALE CORPORATION struck the slowing vehicle the plaintiff was a passenger in from behind it stands, without question, that he must be awarded summary judgment as to those defendants. In the event this Court finds that questions of contributory negligence might exist as to Defendant SAHIB S. WALIA, the plaintiff is still entitled to summary judgment as an innocent passenger, with any issues concerning the negligence of each defendant to be reserved for the time of trial.

**WHEREFORE**, it is respectfully requested that the motion be decided consistent with the above arguments, and for such other and further relief this court deems just, equitable and proper.

Dated: April 4, 2019  
Queens, N.Y.

  
Respectfully submitted,  
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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

Index No.: 5298/2018

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DEVANDER SINGH,

Plaintiff,

-against-

RONALD POLES, PENSKE TRUCK LEASING CO., L.P., PENSKE TRUCK  
LEASING CORPORATION, COSTCO WHOLESALE CORPORATION,  
COSTCO WHOLESALE MEMBERSHIP, INC. and SAHIB S. WALIA,

Defendants.

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AFFIRMATION IN PARTIAL OPPOSITION

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